



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Attorney Docket No. 016778/0443**

Applicant: Kazushi TSUJI

Title: RADIO BASE STATION APPARATUS AND METHOD FOR  
PREVENTING RADIO FUNCTION FROM BEING INTERRUPTED

Serial No.: 10/019,653

Filed: April 19, 2002

**RECEIVED**

Examiner: Unassigned

**FEB 28 2003**

Art Unit: 2682

**Technology Center 2600**

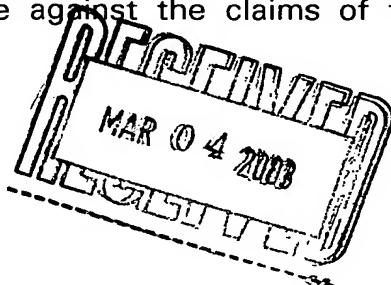
**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR §1.56 and 37 CFR §1.97**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Submitted herewith on Form PTO SB/08 is a listing of documents known to Applicant in order to comply with Applicant's duty of disclosure pursuant to 37 CFR 1.56. A copy of each listed document is being submitted to comply with the provisions of 37 CFR 1.97 and 1.98.

The submission of any documents herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a prima facie prior art reference against the claims of the present application.



**TIMING OF THE DISCLOSURE**

The instant Information Disclosure Statement is believed to be filed in accordance with 37 C.F.R. 1.97(b), prior to the mailing date of a first Office Action on the merits (first scenario). If that is not the case, such as in a second scenario in which a first Office Action on the merits has been mailed before the filing of the instant Information Disclosure Statement, then either a certification or fee is required, and a certification is provided below. If neither of the first or second scenarios is the case, such as if a final Office Action or a notice of allowance has been mailed by the PTO (third scenario), then both a certification and fee are required, and in that case a certification is provided below and also the PTO is authorized to obtain the necessary fee to have the instant IDS considered, from Foley & Lardner Deposit Account #19-0741.

**CERTIFICATION**

The undersigned hereby certifies in accordance with 37 C.F.R. §1.97(e)(1) that item of information A2 listed on a Form PTO-SB/08 included with this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of this Statement. Item of information A1 is a U.S. Patent that is a counterpart to document A2.

**RELEVANCE OF EACH DOCUMENT**

A translation of a portion of a Japanese Office Action that issued December 3, 2002 with respect to a counterpart Japanese patent application is provided below. Please note that the other documents referred to in the Japanese Office Action were submitted to the PTO in a previously-filed Information Disclosure Statement.

"Since the invention of the following claims of this application could have easily been invented prior to the application by a person with common knowledge of the technical field to which the invention belongs based on the inventions described in the following publications, which had been distributed in Japan prior to the application, it cannot be patented in accordance with the provisions in Article 29, Section 2 of the Patent Law.

**Note**

(For the cited literature, see the List of Cited Literature.)

Claims: 1-9

Cited Literature: 1 and 2

**Comments:**

It is recognized that the invention related to the said claims could have been easily conceived by a person skilled in the art by applying a multiple number of wireless elements equipped with the receiving part connected to the different sectors of antenna in the invention described in Cited Literature 1 to the elements invalidating the output signals from the failed receiver disclosed in the invention described in Cited Literature 2.

Notification will be forwarded if any new reasons for refusal are discovered.

**List of Cited Literature**

1. Japanese Unexamined Patent Application Publication H11-17605
2. Japanese Unexamined Patent Application Publication H10-41865

**Record of Prior Art Literature Search Results**

Fields searched - IPC 7<sup>th</sup> Edition - H04B 7/02-7/12  
H04L 1/02-1/06

Dispatch number: 399360

Dispatch date: December 3, 2002 - 2/2

**Prior art literature**

Japanese Unexamined Patent Application Publication S64-29131

This Record of Prior Art Literature Search Results does not constitute a reason for rejection."

Applicant's statements regarding the Japanese Office Action are based on a partial translation that Applicant's representative obtained. These statements should in no way be considered as an agreement by Applicant with, or an admission of, what is asserted in the Japanese Office Action.

Applicant respectfully requests that the listed document be considered by the Examiner and formally be made of record in the present application and that an initialed copy of Form PTO SB/08 be returned in accordance with MPEP §609.

Respectfully submitted,

February 27, 2003  
Date

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